IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

Crl.MC.No. 952 of 2006()

C.R.NO.45/2004 OF KOLLAM EXCISE RANGE

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PETITIONER: ACCUSED:

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1. SURESH, S/O. BALAN,
   KUZHIAMCHERRIYIL THAYIL HOUSE,
   PERINAD VILLAGE, PERINAD TALUK, KOLLAM.

2. P.D. THANKARAJAN, S/O. DIVAKARAN,
   VISHNU BHAVAN, EZHUKONE VILLAGE,
   KOTTARAKKARA.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

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1. THE EXCISE INSPECTOR,
   EXCISE RANGE OFFICE, KOLLAM.

2. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.KAMMAPPU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 29/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.952 of 2006

Dated this the 29th day of March 2007

O R D E R

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Criminal Miscellaneous Case is, in these circumstances, allowed. All proceedings in pursuance of Crime No.45 of 2004 of Kollam Excise Range against the petitioners is hereby quashed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006